

**REPRESENTATIVE TOWN MEETING  
TOWN OF DARIEN, CONNECTICUT  
PUBLIC WORKS COMMITTEE**

**Minutes of a Meeting Held on June 13, 2005**

On June 13, 2005, a special meeting of the RTM Public Works Committee was held in the Auditorium of the Darien Town Hall. Seven out of ten members were present.

Present were:

Charles Andrew (Chairman)	L.J. Galvin
David Bayne (Clerk)	Stephen Johnson
Mark Dailey	Frank Kemp (Vice-Chairman)
John DeVita	

Absent were Elsie Berl, Jay Cook, and Brian Rayhill.

The meeting was called to order by Mr. Andrew at 7:35 p.m. The first order of business was consideration of the June 8, 2005 amendment to the proposed Second Supplemental Agreement between the State of Connecticut Department of Transportation and the Town of Darien amending the agreements pursuant to which the Town of Darien leases its two Metro-North Railroad stations and their adjacent parking lots (hereinafter "Agreement"). The Committee had previously considered and approved an earlier draft of the Agreement at its May 2, 2005 meeting.

However, since the May 2 meeting certain amendments had been made to the proposed Agreement to reflect concerns primarily raised by the Board of Finance to ensure:

(1) that the Agreement did not abrogate the responsibility of the Board of Finance and other

town bodies to make appropriations into the Capital Improvement Fund; and (2) that the Agreement expressly limit the funds that the town is liable to use for making operational and capital improvements to the stations to only those funds generated by parking and leasing revenues from the leased properties and not any Darien taxpayer dollars. In addition, other revisions were made since May 2 to further clarify and limit the maintenance and repair obligations being undertaken by Darien with respect to the stations. The latest draft was presented to the RTM under cover of Town Counsel John Wayne Fox's June 8, 2005 memorandum addressed to the RTM's members. It was that draft that was considered by the Committee.

The Committee discussed the changes made and determined that none of them altered the Committee's belief that the Agreement was in the best interest of the Town of Darien. David Bayne moved that the committee approve the Agreement as amended. L.J. Galvin seconded the motion. After brief further discussion of a question concerning the changes raised by Mr. Johnson, the Committee unanimously voted seven to zero with no abstentions to approve the proposed Agreement as amended.

The next order of business was the consideration of a proposed amendment of Section 50-8 of the Darien Town Code of Ordinances ("Financing and Reports") to bring the Code of Ordinances into compliance with the proposed Agreement which the Committee had just approved. The Committee first discussed a draft amendment proposed in a November 4, 2004 memorandum from Town Administrator John Crary to RTM Moderator

Karen Armour. The committee found the draft language to be ambiguous with respect to whether the proposed ordinance permitted funds in the Operating Account to be used for any purpose other than to be “held for appropriation into the Capital Improvement Account....”

The Committee then sought advice from Town Counsel John Wayne Fox who appeared in the Town Hall Auditorium for the full RTM meeting to be held later that evening. Mr. Fox provided the Committee with a revised amendment to the proposed ordinance which simply provided that “parking revenues that are produced from parking spaces that are leased from the State of Connecticut will be utilized in accordance with the current lease between the State of Connecticut Department of Transportation and the Town of Darien” (i.e., the Agreement). Mr. Fox advised the Committee that the RTM’s TGS&A Committee had previously approved this proposed language at its recent meeting.

The Committee then considered this proposed amendment and found the new language to be acceptable. Frank Kemp moved that the Committee approve the latest proposed amendment of Section 50-8 of the Darien Town Code of Ordinances (“Financing and Reports”) as provided by Mr. Fox and John DeVita seconded the motion. The Committee then unanimously voted seven to zero with no abstentions to approve the proposed amendment.

L.J. Galvin then moved that the meeting be adjourned and Frank Kemp seconded the motion. The Committee unanimously voted seven to nothing to adjourn the meeting at approximately 8:00 p.m.

Respectfully submitted,

David F. Bayne  
Clerk of the RTM Public Works Committee  
June 16, 2005